THE LIZARD'S REVENGE

SHUT ROXBY DOWN 2012

HAND TOSSED STONE BAKED
JIM & PAMS ST
THIN CRI

EESE ....
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PPERONI
EGGIE LOVE
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EAT LOVER'S .
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HICKEN FLORENT
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AWAIIAN ....
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TEAK CALZONE
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EGGIE CALZONE 7.99

COLD OR HOT SUBS

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R PLATTERS
Served with Fries and Salad)
.... 3.95
.... 4.95
RGER 5.25
RGER 5.95
EESEBURGER6.95

ESSERTS
.... 1.85
.... 1.85
.... 1.85
CHEESECAKE 1.85

BEVERAGES
LITER SODA 1.95
20 OZ. BOTTLED WATER 1.09
Pepsi, Diet Pepsi, Coca Cola, Mountain Dew,

OUR FAMOUS REAL

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JALAPENO POPPERS
BUFFALO SHRIMP, FRI
BREADED 4.99
EGG ROLL CHICKEN 3 PCS
(Sour Cream) 4.90
EGG ROLL SHRIMP 3 PCS
(Sour Cream) 4.90
CALAMARI RINGS 4.90
ONION RINGS 2.50
FRENCH FRIES ....SM ..1.50 .... LG 2.99
LG CHEESE FRIES 3.49
LG CHEESE BACON FRIES 3.99

BREAD STICKS 6 PCS 1.99
BREAD STICKS 6 PCS W/CHEESE 3.99
(Bread Sticks served with Marinara Sauce)

APPETIZER POWER SAMPLER $7.99
(3 Jalapeno poppers, 3 Mozzarella sticks
3 Potato Skins, 1 Chicken Tender)

GYROS

GYRO 4.25
CHICKEN GYRO 4.25
GYRO PLATTER (W/SALAD & FRIES) 5.99
CHICKEN FAJITA WRAP 4.25

KID'S STUFF

CHEESEBURGER & FRIES 3.99
CHICKEN FINGER & FRIES 2.99

LARGE SALADS

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cheese, egg, olive,
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TUNA 5.90
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GREEK SA 5.90
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.... 5.90
(Pepperoni, ham, salami, tomato, cheese, onion, olive, gr. pepper)
GARDEN SALAD 4.75
(Lettuce, tomato, cucumber, gr. pepper, onion)
ns: Ranch, Thousand Island, Blue Cheese,
ian, Caesar, Honey Mustard, French
Extra Dressing .50¢

REAL HOMEMADE DINNERS AND PASTA ENTREES

(All Pasta Entrees Served with Salad and Garlic Bread)

SPAGHETTI 4.99
w/Garlic Butter or Parmesan Cheese
BAKED SPAGHETTI w/Mozzarella 4.99
SPAGHETTI w/Meat Sauce 5.95
SPAGHETTI w/Meatballs 5.95
CHICKEN PARMIGIANA 6.99
BAKED ZITI 4.99
BAKED ZITI w/Meat Sauce 5.95
FETTUCCINI ALFREDO 6.95
CHICKEN FETTUCCINI ALFREDO 7.99
SEAFOOD FETTUCCINI ALFREDO 7.99
EGGPLANT PARMIGIANA 5.99
CHICKEN CACCIATORE 6.99
JUMBO STUFFED SHELLS 5.99
MANICOTTI 5.99
RAVIOLI 6.99
VEAL PARMIGIANA 5.99
LAYERED LASAGNA 6.95

Welcome to Lizard Law! There are important political reasons to express our dissent and opposition to the environmental and social destruction caused by mining and the nuclear industries in ways which go beyond the law. However, it is important that people make informed decisions about what the legal implications of their actions are and what the potential legal consequences are. The information provided here is aimed to inform and empower people in any interactions they may have with the law at The Lizard's Revenge blockade festival!

SHOULD I GET ARRESTED?

Make informed decisions about arrest. Talk to other activists; consider your responsibilities, yours and others' safety. Think about how being arrested will help/hinder your cause.

Take Home Messages

1. Be prepared, look after yourself and your mates

2. Know your rights, know the risks

3. Besides giving your name and address to police in certain situations, you don't have to answer their questions. Ask "Am I free to go?"

4. Practice saying "I'm not saying anything, I want to speak to a lawyer"

5. Be street-smart, use your judgement and never trust a cop

IF I AM ARRESTED

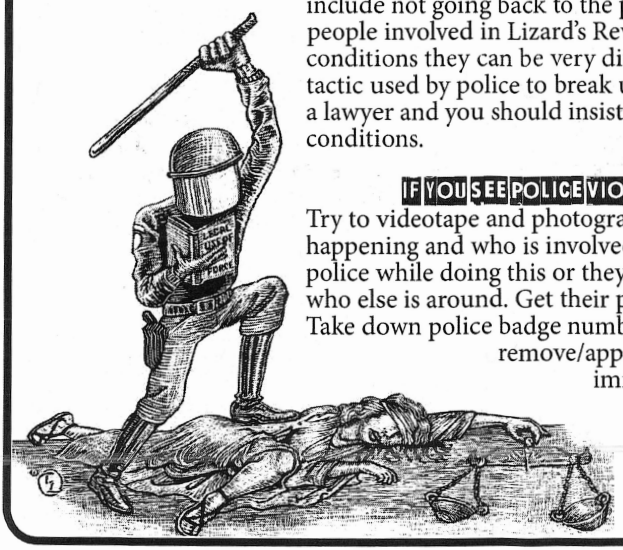
Prioritize your safety and well being. Stay calm. Ask police if you are under arrest and if so, why.

IF YOU ARE ABORIGINAL OR TORRES STRAIT ISLANDER

Tell the police, they have to inform the Aboriginal Legal Rights Movement (ALRM). They must also give you info about the ALRM and make every effort to obtain a field officer to arrange bail and/or give legal advice if the accused requests it. You can also call them yourself on 1800 643 222.

SAY NO COMMENT!

There are no "off the record" conversations. Everything you say to police is being recorded. Say no comment to everything. This is very, very important. Anything you say to police can be used against you or other activists. Practice saying 'no comment' over and over again. Do not say anything to police until you have spoken to a lawyer. Ask police why you have been arrested and where they are taking you? (They may not take you anywhere, but process you on the spot). Police may pressure you to accept bail conditions that include not going back to the protest or associating with other people involved in Lizard's Revenge. If you accept bail conditions they can be very difficult to change and are a common tactic used by police to break up protests. You have the right to a a lawyer and you should insist on this right before signing such conditions.

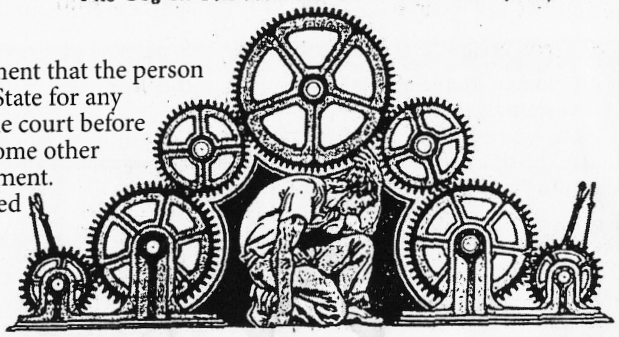


IF YOU SEE POLICE VIOLENCE

Try to videotape and photograph, getting a full picture of what's happening and who is involved. Be careful not to get in the way of police while doing this or they may arrest you too. Take notes of who else is around. Get their phone numbers and contact details. Take down police badge numbers and squad car numbers. If police remove/appear without badges take their photos immediatetely. Contact the legal team as soon as possible to give us a copy of your evidence.

SECURITY GUARDS AND OTHERS

The right of a private citizen to make an arrest is rarely used in practice. Examples of when a person can makea citizen's arrest include where, for example, a store detective or security guard arrests a person committing an offence against his or her employer. Suspecting someone of having committed an offence is not enough for a citizens arrest. The civilian must see the offender commit the offence. Anyone exercising a power of arrest must be careful because a person wrongly arrested can sue for false arrest and obtain damages or compensation. If a citizen's arrest is made the arrested person must be handed over to the police without delay and a full explanation given (in writing) of the reasons for the arrest. The power of security guards falls under the powers of citizen's arrest and these are the only powers they have. Section 76 of the Summary Offences Act appears to enable guards to physically detain someone as long as it is for the purposes of delivering the offender promptly to the custody of a police officer.



The Cog In The Machine On Which All Depends

BAIL

It is a condition in every bail agreement that the person released on bail must not leave the State for any reason without the permission of the court before which the person must appear, or some other authority specified in the bail agreement. All the circumstances will be weighed up. You may be allowed to go interstate/overseas and have the charges dealt with at a later time. This depends on the court's view as to whether you will front up to court later on.

IN CUSTODY - PHOTOGRAPHS AND FINGERPRINTS AND

Once a person is charged with an offence (or if a magistrate authorises it before charges are laid) the police may take photographs, take prints of hands, fingers, feet or toes, have teeth impressions taken by a dentist, make a recording of the person's voice and request a sample of handwriting. Reasonable force can be used [Summary Offences Act 1953 s 81].

DNA

Anyone convicted of a serious offence or suspected of committing a serious offence (defined as any offence any offence punishable by imprisonment – this includes shoplifting), can be required to provide a DNA sample. Samples are obtained by buccal (ie. cheek swab) or fingerprick.Although a suspect or offender has no right to refuse a DNA sample, if you are a suspect not yet convicted (this includes being in custody after your arrest), authorisation must be provided by a senior officer at a hearing. The suspect has the right to be represented at this hearing by a legal representative. In making a decision about an order for a DNA sample, the senior officer must be satisfied that it will assist investigation of the offence, and must weigh up the public interest in obtaining this evidence with the public interest in respecting privacy and unwanted interference by the authorities.

Despite the severity of the offence you have been arrested for, if you have at any time in the past been convicted of an offence that carries a penalty of imprisonment, you can be compelled to give a sample. Police don't dispose of DNA in SA even if you are aquitted.

IF YOU SEE SOMEONE ARRESTED

Ask the persons' name, phone, number, age, etc. Ask if the arrested person has any medical conditions. Videotape and photograph, if possible. Take note of officers' badge numbers, squad car numbers, etc. Do not hinder arrest (or you risk arrest yourself) but you can politely ask where someone is being taken and why they have been arrested. Write down information as soon as possible.

Public Protests - Criminal Offences

Police can charge a person or impose an on the spot fine. Only a court can convict, impose a fine, prison sentence or other penalty.

Property Offences

TRESPASS - S17 SUMMARY OFFENCES ACT
it is an offence if you are on premises without permission and you do not leave when you have been asked or return within 24 hrs after being asked to leave by either the owner, their representative or the police. Premises includes land, building, structure, vehicle, or other private property. This offence does not apply to public places ie any place the public has access to. Maximum penalty: $2,500 fine or imprisonment for 6 months.

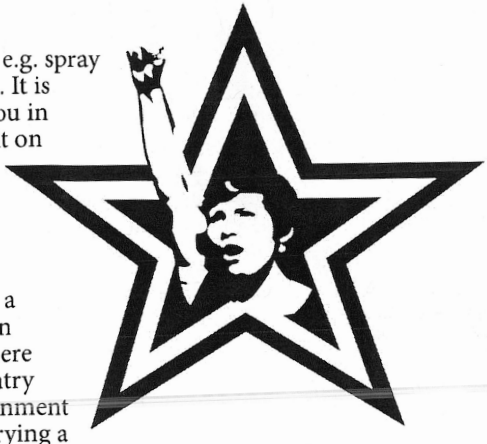
DAMAGE TO PROPERTY - S85 CRIMINAL LAW CONSOLIDATION ACT
It is an offence to intentionally damage another's property or to be recklessly indifferent as to whether damage is sustained to another's property. The penalties imposed depend on whether there was a completed act or an attempt, the amount of damage caused and the method used to cause the damage. For example damage not exceeding $2,500 by fire or explosives has a maximum penalty of imprisonment for 2 years.

RECKLESSLY ENDANGERING PROPERTY - S85A CRIMINAL LAW CONSOLIDATION ACT
It is an offence to commit an act knowing it creates a substantial risk of serious damage to another's property. Reckless behaviour is where you don't intend to cause damage but it is foreseeable that your actions are likely to cause damage eg building blockade structures near private property or " capturing" machinery such as bulldozers or trucks and damage is caused to private property in the process. A person must not have lawful authority and knows that lawful authority does not exist. Maximum penalty: imprisonment for 6 years.

It is a defence under s85 and 85A if you have an honest belief that the act constituting the charge was reasonable and necessary for the protection of life or property.

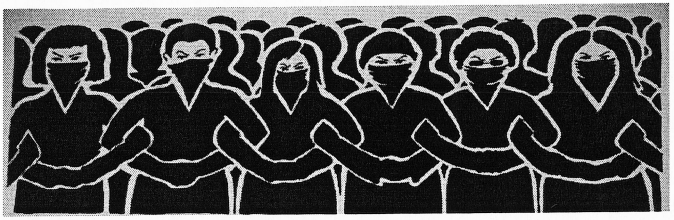
GRAFFITI, POSTERS & STICKERS - S48 SUMMARY OFFENCES ACT & S9 GRAFFITI CONTROL ACT
It is an offence to post a bill or distribute a bill to others for posting unless could not reasonably foresee further posting or took precautions. It is also an offence to mark surfaces with graffiti. Maximum penalty: $2,500 fine or imprisonment for 6 months. In addition you may have to compensate the owner for damages and repairs.

It is also an offence to carry a graffiti instrument e.g. spray can with the intention of using it to mark graffiti. It is also an offence to carry such an implement on you in a public place without a valid excuse for having it on you. Maximum penalty: $2000 fine or imprisonment for 6 months.



SERIOUS CRIMINAL TRESPASS - S168 CRIMINAL LAW CONSOLIDATION ACT
It is an offence to enter or remain in a place (not a public place) with the intention of committing an offence. A public place includes a place where there is an admission charge or a place with limited entry by public invitation. Maximum penalty: imprisonment for 10 years if no weapon or on your own. If carrying a weapon or in the company of others the maximum penalty is imprisonment for 20 years.

Offences Against Public Order



PUBLIC RALLIES AND DEMONSTRATIONS

Such demonstrations often attract charges alleging offences against public order. To avoid arrest mind your language and behaviour. Protest chants, songs, drumming, dancing, shouting and running are generally safe forms of conduct. Swearing and violence are not.

DISORDERLY OR OFFENSIVE CONDUCT OR LANGUAGE - S7 SUMMARY OFFENCES ACT

It is an offence to behave in a disorderly or offensive manner, fight with another, use offensive language or disturb the public peace. Such offences must be committed in a public place, which includes ships, harbours, ports, docks and rivers, and also any licensed premises Maximum penalty: $1,250 fine or imprisonment for 3 months.

INDECENT LANGUAGE OR BEHAVIOUR - SS22 & 23 SUMMARY OFFENCES ACT

It is an offence to use indecent language or behaviour in a public place, which is audible from a public place or which is audible in neighbouring occupied premises and where you intend to offend or insult any person. A public place is where free access is permitted to the public, where the public are admitted on payment of money or a road, street, footway, court, alley or it is a thoroughfare for public use even though it is on private property. Language or behaviour routinely seen on television or films may be "indecent" in public. Maximum penalty for indecent language: $250 fine. Maximum penalty for indecent behaviour: $1,250 fine or imprisonment for 3 months.

OBSTRUCTION OF ROADS AND OTHER PUBLIC PLACES - S58 SUMMARY OFFENCES ACT

It is an offence to wilfully obstruct free passage in a public place. Maximum penalty: $750 fine.

DISOBEYING AN ORDER TO MOVE ON OR DISPERSE - S18 SUMMARY OFFENCES ACT

This offence takes place when a police officer requests a person loitering in a public place or a group of people to move on or disperse and this request is disobeyed.
The police officer must reasonably believe that an offence has been committed or is about to be or there has been a breach of the peace or is about to be or pedestrians and traffic have been obstructed or are about to be or the public's safety is at risk.
If you argue with the police officer you may be charged with hindering the officer in the course of their duties.
Maximum penalty for disobeying an order: $1,250 fine or imprisonment for 3 months.

ASSAULTING AND HINDERING POLICE - S6 SUMMARY OFFENCES ACT, S43 CRIMINAL LAW CONSOLIDATION ACT

There are various offences covering assaulting police and hindering or resisting police acting in the execution of duty. Maximum penalty: $10,000 fine or imprisonment for 5 years. You may also have to pay compensation to the police officer involved.

FAILING TO GIVE YOUR NAME AND ADDRESS WHEN REQUESTED - S74A SUMMARY OFFENCES ACT

Police may request you to give your full name and address if officer has reasonable cause to suspect an offence is or about to be committed or you may be able to assist police in the investigation of offence. You must not refuse or give a false name. Maximum penalty: $1,250 fine or imprisonment for 3 months.

FALSE REPORTS TO POLICE - S62, 62A SUMMARY OFFENCES ACT

It is an offence to make a false representation to police. Maximum penalty: $10,000 fine or imprisonment for 2 years.

Arrest Procedure - Basic Rights

ARREST

The police can arrest anyone who has committed an offence, is suspected of committing an offence or is about to commit an offence. No warrant is required. Police can use as much force as is reasonably necessary to arrest you. Unreasonable force is an assault on you. You may be unsure if you have actually been arrested. Usually the police officer will say something like "you are under arrest" while touching or taking hold of you. It is an offence to hinder or resist a police officer in the execution of their duties eg punching or hitting or other force. Avoiding arrest by passive action is not an offence eg lying down and refusing to cooperate. Walking away may be successful. You do not have to accompany a police officer to the station if you have not been arrested.

AT THE POLICE STATION

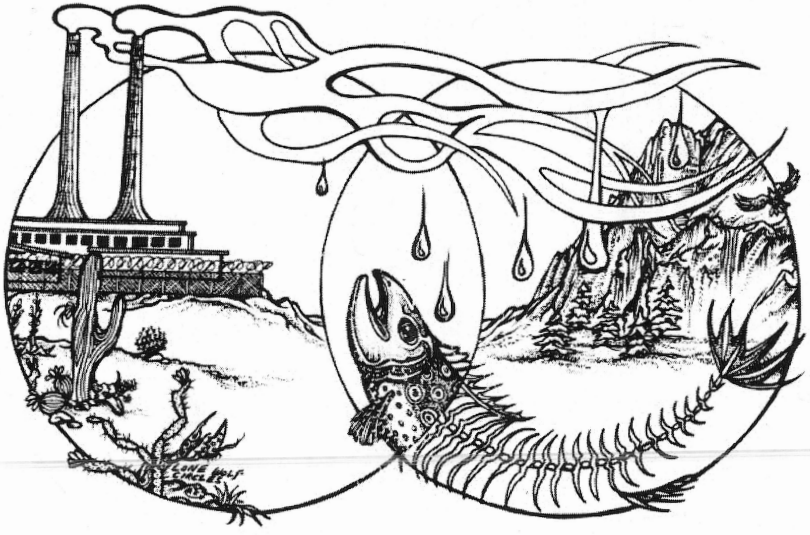
You have the right to make a phone call – try not to be overheard. If you are under 16 you are entitled to have a parent or guardian present. If English is not your first language you are entitled to the services of an interpreter.

INTERROGATIONS

You are entitled to have a solicitor or friend present. Always seek legal advice prior to giving voluntary information as you may incriminate yourself or close an avenue of defence you may wish to use later. You are legally obliged to give your name and address. You can refuse to answer any other questions until you have had legal advice. If you do decide to make a statement check it carefully before signing. Any corrections should be initialled.

Interviews can be recorded. There is no such thing as an "off the record" conversation with the police. Ignore incentives to answer questions you do not want to answer. Eg: you'll get bail more quickly if you cooperate.

The police have been known to fabricate statements in which you "admit" to some offence. One strategy if this is a concern is to act now by making a statutory declaration before you are arrested. In it say something like " If questioned by police I will as is my legal right refuse to answer any questions or make any statement". Have this signed and witnessed.



SEARCHES AND BEING PHOTOGRAPHED BY POLICE

After arrest, the police can search you using reasonable force and take anything found upon you. A physical examination or forensic search can only be undertaken with your consent. Whilst your consent can be withdrawn at any time the police may apply to the courts for orders allowing them to conduct such procedures. Any intimate forensic search should be carried out by a medical person of the same sex.

For identification purposes the police can take photographs, prints, voice recordings and handwriting samples. Failure to comply is an offence. Police can use reasonable force to take photographs and fingerprints for the purpose of identification.

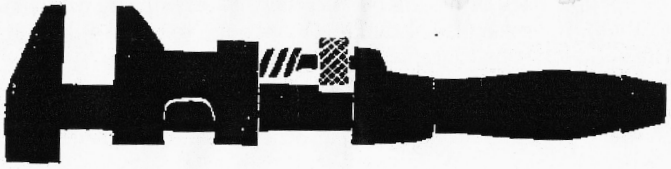
After the interrogation you will be charged or released. If charged make sure you keep a copy of the charge sheet and any bail agreement. You should be told of your right to apply for bail. A bail agreement states that you undertake to be present through all court proceedings, to comply with all bail conditions and to pay a sum of money if you don't comply with those conditions. You can apply for bail to a senior police officer or at the time of any court hearing. Conditions can include not returning to a place such as your protest camp.

SOME PRACTICAL HINTS

Dress for arrest! Don't wear jewellery such as earrings and tied back hair as this makes it harder to arrest you. Don't wear a belt as this may be confiscated later due to the suicide risk.

Share legal information with others in the same situation, ie, swap names and addresses with potential witnesses and other useful people.

Never point out someone the police ask for by name- it is their responsibility to identify people



Some more relevant offences and handy info

OBSTRUCTION ETC OF PERSON AUTHORISED TO MINE (S89 MINING ACT 1971)

A person shall not, without lawful excuse, obstruct or hinder the holder of a mining tenement in the reasonable exercise of rights conferred on them under the Act. Max $5000

OBSTRUCTION ETC OF OFFICERS EXERCISING POWERS UNDER ACT (S88 MINING ACT 1971)

A person shall not wilfully obstruct or impede any officer (which may include police) appointed under this Act in the execution of their duty. Max $10,000.

UNLAWFULLY ON PREMISES

It is an offence to be on premises for an unlawful purpose or without lawful excuse. This offence is different to trespass where the initial trespass is not a crime. A separate offence is committed where there is a failure to comply with an order to leave (s17 Summary Offences Act). Just being there could subject you to this offence unlike with trespass, where you must be asked to leave. This offence carries the same maximum penalties as ordinary trespass.

DRUGS AND ALCOHOL

Similar laws apply to illicit drugs around Roxby as elsewhere. If you use or carry drugs, you will be subject to policing for that drug use/possession.If you are placing yourself in an arrestable position think about what is on your person that might casue legal problems whether illicit drugs or things that could be construed as weapons (pocket knife etc).

Thinking critically about the law

The law is often presented as fixed and reserved for lawyers, judges and the police. But police and judges are given wide-ranging discretion about how they enforce the law. They can often be erratic, ignorant, conservative or angry. Unfortunately these biases often reflect the discrimination that is already rife in the Australian political and legal system.

Sadly being informed about how the law works is not always enough. Essentially while knowing your rights, learning about the law and having a plan are great ideas, there will always be a degree of unpredictability.

However, we don't have to sit on our hands or accept this chaos. Instead we can do more than just know the law - we can develop strategies to respond to its unpredictability and power. Many of us also have the privilege to be proactive and creative in the way we engage with the law. Here are some ideas that may get you thinking around the "mystique" of law.

DE-ARRESTING

A group of people may decide, either in advance or in response to an attempted arrest, that they will act together to try and prevent that person being arrested. This may involve holding onto or pulling a person whom police are attempting to remove, or pulling at or obstructing the police as they attempt to arrest someone. Please note that resisting arrest and hindering or assaulting police are all offences in their own right.

DE-ESCALATION / ESCALATION

The police are trained to control conflict. When they are asking people to be quiet and orderly, attempting to force people back or hitting people, they are attempting to manage the conflict in a way that suits them. Having a plan about how to respond to this conflict can help to retain your power in the situation. For example everyone sitting down and going silent may be a powerful way of responding to a push or police charge. Alternatively, planning to link arms and push back may help you achieve your objectives. Recognising that conflict may occur and having a plan can make the difference between a successful and an unsuccessful action.

NON-COOPERATION

Non-cooperation is an attempt to collectively undermine the power of the police to control or manage a situation. Many people arrested at the Seattle protests in 1999 refused to give their details to the police when being processed at the station, thus slowing down the process and frustrating police attempts to manage thousands of arrests. Eventually they had to release many people without charge.

SA legal helpline (free legal info):
1300 366 424

The Lizard's Revenge Legal Team can be contacted at:
lizardslegals@gmail.com

For further info on SA law see law hand book
www.lawhandbook.sa.gov.au

Thanks to the SA Environmental Defenders Office for providing much of the information here.